

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
301**

SHIFT BIDDING

Supersedes: AR 301 (Temporary, 12/08/10)
Effective date: October 15, 2012

AUTHORITY: NRS 209.131

RESPONSIBILITY

It is the responsibility of the Warden to conduct shift bidding at their institutions in accordance with the requirements of this regulation. Actions required for the conduct of shift bidding cannot be delegated lower than Associate Warden.

It is the responsibility of the individual staff member subject to shift bidding to familiarize themselves with the requirements of this regulation and participate in the authorized process according to its requirements.

301.01 SHIFT BIDDING

1. Shift bidding should be conducted at all institutions and facilities having more than 20 correctional officers on the legislatively approved staffing chart, except as described below.
2. The Warden should identify each Post's minimum required training, experience, special licenses, regular days off (RDO)'s and other requirements on the Post Chart.
3. The appropriate Deputy Director should approve the exempt positions submitted by the Warden, which are to be filled by the Warden, based on a justification submitted by the Warden in writing. All staff will be made aware of the requirements needed for each exempt position via the NDOC computer system at each institution.
4. The Warden may deny a bid based on the specific job-related requirements established by the appropriate Deputy Director in paragraph 3 above.
5. The Warden may exclude up to 12.5 % of Correctional Officer posts from the bid process for the purpose of shift rotation and the training of Correctional Officer Trainees.
 - A. The actual number of posts, less the 12.5% excluded, may be determined by the presence of Correctional Officer Trainees in the workforce and projected hiring practices and plans.
 - B. If less than 12.5% of the posts are needed for trainee positions, then those positions may be part of the annual bid process.

6. The Warden may allow for the assignment of an officer to a shift for which they do not have seniority based on a specific, documented hardship.
7. Officers claiming hardship should notify the Warden in writing 30-days prior to the beginning of the annual shift bid process.
8. Officers may be awarded their bids based on their seniority and on the following conditions:
 - A. The bidding employee must be an eligible employee;
 - B. The employee must be permanent full-time Senior Correctional Officer or Correctional Officer;
 - C. The Lieutenants, Sergeants, and Correctional Officer Trainees may not participate in shift bidding;
 - D. Correctional Officer Trainees may bid in the first bidding process after their promotion to Correctional Officer, and for any vacancies that occur after their promotion and before the next annual shift bidding process;
 - E. Employees on extended military, medical or other extended leave may not participate in shift bidding if they are not present during the shift bidding process;
 - F. Upon their return to duty, absent employees may bid for any vacant position;
 - G. The employee should be permanently assigned to the institution;
 - H. Eligible employees may only participate in their assigned institution's bid process;
 - I. There shall be no inter-institutional bidding;
 - J. There will be no trading of positions or bids;
 - K. The bidding employee must meet position requirements established by the Warden;
 - L. Bids for annual leave may not exceed an absence from work of 14 calendar days, including RDO's, in any 30-day period. Requests for longer periods may be accommodated, based on available relief factor after the annual shift bidding has closed;
 - M. Bids for annual leave cannot be for more time than the annual leave that the employee is projected to accumulate by the end of the next calendar year;
 - N. If by the end of the calendar year an employee will exceed 240 hours of annual leave, they must apply for a sufficient amount of annual leave to be at or below 240 hours by the end of the calendar year;

O. Additional leave may be requested throughout the year if relief factor is available to accommodate the request.

P. Officers cannot bid on the same post more than two (2) years in a row.

9. New institutions and facilities are exempted from the bidding requirements until authorized by the appropriate Deputy Director.

10. The Warden should ensure written agreements (DOC-1043) are completed prior to scheduling staff to work a variable work schedule. These agreements should be forwarded for inclusion in the Department personnel file.

301.02 ANNUAL BID PROCESS

1. The shift bidding process will consist of two processes.

A. There will be one process for annual shift bidding, and;

B. A separate process for filling vacancies on a continual basis as they occur throughout the year.

2. Annual shift bidding includes a bid for the shift to be worked, position, and annual leave days for the following calendar year.

3. Seniority:

A. An officer loses seniority in the event of a break in service.

B. An officer loses seniority if laid off and not reemployed in the class of layoff within one year.

C. Employees on extended leave, or who transfer into an institution, and correctional officers trainees who are promoted, will be added to the seniority list in the order of their seniority throughout the year.

D. An employee who contests their ranking on the seniority list must meet all time deadlines.

4. Timeliness:

A. Annual shift bidding should occur every year during November for the following calendar year.

- B. 90-days prior to annual shift bidding, the Warden should provide a Post Chart per AR 301.01, paragraph 2, noting any positions excluded by the appropriate Deputy Director and the justification for those exclusions.
 - C. 60-days prior to shift bidding, the Warden should post a seniority listing of all employees eligible to participate in shift bidding.
 - D. Employees have 10-days to file a grievance contesting their position on a seniority list after the list is posted.
 - E. The Warden should answer the grievance within five days after it is received.
 - F. An employee may file an appeal to the appropriate Deputy Director within five days after receiving the Warden's response to the grievance.
 - G. The appropriate Deputy Director should respond to the appeal within five days after it is received. All appeals that have not been received by the appropriate Deputy Director 35-days prior to shift bidding are considered late and denied.
 - H. 30-days prior to the annual shift bidding the appointing authority should post a revised seniority list along with the Post Chart.
 - I. Annual shift bidding should not be delayed because an employee has missed a deadline regardless of the circumstances.
 - J. Management may suspend the bidding process for security reasons but should reschedule the bidding process within 30 days.
5. The seniority list should be adjusted throughout the year to account for an individual's progression through the ranks and transfers.
- A. The seniority list should give the time and location when the bidder should submit his bid.
6. Bidding:
- A. Bidding should be done on a board that indicates the Post and RDO's with space for an officer to enter his name, indicating a bid.
 - B. Staff should be called to the board in order of seniority and be provided 10 minutes to select a Post from those available on the board.
 - C. Each officer has the responsibility to be present during annual shift bidding.
 - D. If an eligible officer is aware of a scheduled absence at the time of bidding the officer may name a proxy to the Warden as soon as is practical prior to the shift bid.

- E. It is the officer's responsibility to notify the proxy and provide bidding instructions.
 - F. An absent officer may bid over the phone if the Warden or available supervisor can identify the officer.
 - G. The Warden is to consider decisions made by the proxy to be binding on the affected officer.
 - H. The Warden is not responsible for any errors, mistakes, failure to follow policy, missed deadlines, or any other action or omission made by the proxy.
 - I. A no-call, or no-show at the time scheduled for the employee's bid is a forfeiture of seniority until the time that employee finally appears or calls. The missing employee will be allowed to bid at the time of his arrival, however, that person's bid cannot interrupt the current bid being placed, nor can it delay the subsequently scheduled bids.
 - J. Bidding ends when the last scheduled, eligible employee completes his bid.
 - K. A missing officer will only be allowed to bid on positions vacant after the close of bidding.
 - L. Management may suspend the bidding process for security reasons but should reschedule the bidding process within 30-days.
 - M. If the officer bids for a position that he is not qualified for, he should immediately rebid.
 - N. If employee does not bid on a post within the allotted time frame 10 days after the bidding process has completed the Warden should assign the employee to a vacant post after the close of bidding.
 - O. If the officer's bid on a post is rejected because he does not meet the job requirements, the Associate Warden or above should notify the officer immediately as to why the bid was rejected.
 - P. If the officer bids for a position that he is not qualified for, he should immediately re-bid.
 - Q. A bid may be rejected based on nepotism if the result of awarding the bid for that post and shift would place an employee in the chain of command in violation of AR 346, Nepotism.
 - R. Any bid accepted by the Associate Warden or above shall be deemed a qualified bid.
7. Documents relating to the annual bid should be in triplicate using form DOC 1047.

- A. The posted documents should be date and time stamped as to the time of their posting and the time of their removal.

301.03 CONTINUAL BID PROCESS

1. Vacant positions shall be filled by seniority bid. Any position vacated by continual bid may be filled by any appropriate management action authorized for personnel action, including transfers, promotion, recruitment, demotion, or bid by seniority. The position is, however, available for bid at the next annual bid process.
2. Vacant positions which are to be bid should be posted conspicuously throughout the institution and placed on the shared drive or emailed to all officers every Monday of each week, ending midnight on the following Sunday.
3. Officers may submit a bid for a vacant position during the week the vacancy is posted.
5. When bid, the Warden should assign the position to the senior, qualified bidder based on the seniority list.
 - A. An up-to-date seniority list should be used in the event the appointing authority exercises the option to fill a vacancy through shift bidding for annual bidding and for continual bidding of vacant positions throughout the year.
6. Positions that are not bid upon may be filled with an officer of the Warden's choosing who was not qualified to bid or an officer with specific, documented skills or rank necessary for the position, or remain vacant to be covered by relief factor, pull or shutdown posts, or overtime as appropriate.
7. All vacant positions should be put up for bid no less than once a month.

301.04 REASSIGNMENT OF POSTS

1. All employees should receive a minimum of five working days written notice of an institution, facility, shift, or RDO change, unless the change is based on paragraph 2 below.
 - A. The affected staff can waive this notification requirement in writing.
2. The appointing authority retains the right to change the shift, post, or RDO of an officer who:
 - A. Is under investigation for actions related to an assignment or where the alleged misconduct makes the assignment of the officer inappropriate.
 - B. Proves to be unsuitable for the post based on their documented performance.
 - C. Fails to maintain current weapons qualifications and should be assigned to an unarmed post pending further action.

D. Officers who receive a modified duty assignment from a designated health care provider may be moved on a temporary basis, until they are medically qualified to return to their bid post.

E. Officers may be transferred when a nepotism issue arises per AR 346, regardless of seniority.

3. Management may assign the officer to a shift, post or RDO until investigations are concluded and the officer is exonerated and returns to the original post, or further management action is taken.

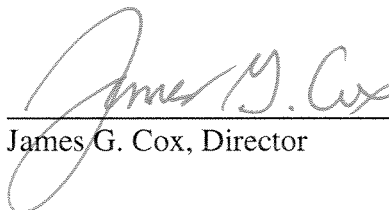
4. Management may temporarily reassign an officer to cover a post until the officer under investigation is exonerated and returns to the post or the position is filled permanently.

5. Management may assign officers to posts for which they have not bid on individual days in order to cover absences by the assigned officers, or for emergency situations.

APPLICABILITY

1. This regulation requires an Operational Procedure at each institution authorized to exercise a shift bidding process.

2. This regulation requires an audit.



James G. Cox, Director



Date